

Notice of Allowability

Application No.

09/944,012

Examiner

Jeffrey C. Pwu

Applicant(s)

DESHPANDE, SACHIN G.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/17/2005 Amendment.
2. ☒ The allowed claim(s) is/are 1,2,6-18,20,21 and 30-38.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RD

Allowable Subject Matter

1. Claims 1-2, 6-18, 20-21, and 30-38 are allowed.
2. The following is an examiner's statement of reason for allowance:

The present invention is directed to a method and system for performing priority-based flow control.

The independent claim 1 identifies an uniquely distinct feature "determining which client has the smallest buffering capacity; and selecting the first minimum buffering capacity (C1) to be equal to the client with the smallest buffering capacity; in response to the network delivery requirements, modifying the supply of the media stream; at each client scheduling media playout to be at a time equal to a first time interval (t1) plus the minimum buffering capacity divided by the first bitrate (C1/R1) by: at each client, reordering out-of-order media packets; at each client, scheduling the playout of the media packet at a uniform rate in response to the media type and the first bitrate (R1)".

The independent claim 20 identifies an uniquely distinct feature "wherein the server determines a new minimum client buffering capacity (Cnew), in response to a change in the number of clients, communicates the new minimum buffering capacity to the client, and modifies the supply of media stream in response to the new minimum buffering capacity by performing a process selected from the group including

temporarily increasing the media stream bitrate; and wherein the server temporarily pause the supply of the media stream if the new minimum buffering capacity is less than the first minimum buffering capacity.

The closest prior art, Balakrishnan (U.S. 5,566,208) relates to an encoder buffer having an effective size which varies automatically with the channel bit-rate and Yano et al. (U.S. 6,701,372) discloses an apparatus and system for transmitting and/or receiving steadily generated data, whether taken alone or in combination fails to anticipate or render the above underline.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



7/4/05

JEFFREY PWU
PRIMARY EXAMINER